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8
9 IN THE UNITED STATES DISTRICT COURT
10
10 FOR THE DISTRICT OF ARIZONA

11 United States of America,)
12 Plaintiff,)
13)
13 vs.) **VERIFIED COMPLAINT FOR**
14) **FORFEITURE *IN REM***
15 64 Firearms,)
15)
16 Defendants *In Rem.*)
16)
17)
17

18 Plaintiff United States of America brings this Complaint and alleges as follows in
19 accordance with Rule G(2) of the Federal Rules of Civil Procedure, Supplemental Rules
20 for Admiralty or Maritime Claims and Asset Forfeiture Actions ("Fed. R. Civ. P. Supp."):

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NATURE OF THE ACTION

1. This is a civil action *in rem*, brought to enforce the provision of 18 U.S.C. § 924(d) for the forfeiture of any firearm involved in or used in a violation of, or a conspiracy to violate, 18 U.S.C. § 922(a)(1)(A), unlicensed firearms dealing and/or manufacturing.

2. Venue and jurisdiction in Arizona are based upon 21 U.S.C. § 881(j), and 28 U.S.C. §§ 1355(b) and 1395 as acts and omissions occurred in the District of Arizona that give rise to this forfeiture action. This Court has jurisdiction. 28 U.S.C. §§ 1345 and 1355, and 18 U.S.C. § 981(h).

DEFENDANTS *IN REM*

3. The defendants *in rem* consist of the following property:

- 1) Mag Tactical Systems, LLC Unknown Receiver/Frame, CAL: Unknown, Serial Number (“SN”): MTS07648
 - 2) Heckler and Koch VP9 Pistol, CAL: 9, SN: 224-092574
 - 3) Heckler and Koch USP Pistol, CAL: Unknown, SN: 24-142927
 - 4) Heckler and Koch USP Pistol, CAL: Unknown, SN: 25-141853
 - 5) Spike’s Tactical LLC ST15 Receiver/Frame, CAL: Multi, SN: 098517
 - 6) Smith & Wesson M&P 22 Pistol, CAL: 22, SN: HHT0308
 - 7) Seekins Precision SP15 Rifle, CAL: Multi, SN: 5BA12663
 - 8) Sig Sauer (Sig-Arms) 1911 Pistol, CAL: Multi, SN: 025810
 - 9) I O Inc. (Inter Ordnance) Sorter Pistol, CAL: 762, SN: S033947
 - 10) Spike’s Tactical LLC St15 Rifle, CAL: Multi, SN: 025810
 - 11) Anderson Manufacturing AM-15 Rifle, CAL: Multi, SN: 17168937
 - 12) Anderson Manufacturing AM-15 Rifle, CAL: Multi, SN: 16441943
 - 13) Anderson Manufacturing AM-15 Rifle, CAL: Multi, SN: 17069109

- 1 14) Anderson Manufacturing AM-15 Rifle, CAL: Multi, SN: 17125463
- 2 15) Anderson Manufacturing AM-15 Rifle, CAL: Multi, SN: 17125464
- 3 16) Anderson Manufacturing AM-15 Rifle, CAL: Multi, SN: 17168949
- 4 17) Anderson Manufacturing AM-15 Rifle, CAL: Multi, SN: 17125461
- 5 18) Anderson Manufacturing AM-15 Rifle, CAL: Multi, SN: 17125460
- 6 19) Anderson Manufacturing AM-15 Rifle, CAL: Multi, SN: 17125462
- 7 20) Spike's Tactical LLC ST15 Rifle, CAL: Multi, SN: NSL084630
- 8 21) Spike's Tactical LLC ST15 Rifle, CAL: Multi, SN: DV018361
- 9 22) Spike's Tactical LLC ST15 Rifle, CAL: Multi, SN: SCR025809
- 10 23) Mag Tactical Systems, LLC MG-G4 Rifle, CAL: Multi, SN: MTS49042
- 11 24) Mag Tactical Systems, LLC MG-G4 Rifle, CAL: Multi, SN: MTS49622
- 12 25) Mag Tactical Systems, LLC MG-G4 Rifle, CAL: Multi, SN: MTS07647
- 13 26) Mag Tactical Systems, LLC MG-G4 Rifle, CAL: Multi, SN: MTS49623
- 14 27) Mag Tactical Systems, LLC MG-G4 Rifle, CAL: Multi, SN: MTS49625
- 15 28) Mag Tactical Systems, LLC MG-G4 Rifle, CAL: Multi, SN: MTS49624
- 16 29) Bushmaster Firearms XM15 Receiver/Frame, CAL: Multi, SN: BK1206407
- 17 30) Tennessee Arms Co. LLC TNARMS-15 Receiver/Frame, CAL: Multi, SN: 1525710143
- 18 31) Spike's Tactical LLC ST15 Receiver/Frame, CAL: Multi, SN: LT000541
- 19 32) Unknown Unknown Rifle, CAL: Unknown, SN: None, Black and Blue AR Snakeskin Rifle
- 20 33) CZ USA Unknown Rifle, CAL: Unknown, SN: B773434
- 21 34) Unknown Unknown Rifle, CAL: Unknown, SN: None, Tan and Black Snakeskin
- 22 35) Mag Tactical Systems, LLC MG-G4 Rifle, CAL: Multi, SN: MTS50802

- 1 36) Mag Tactical Systems, LLC MG-G4 Rifle, CAL: Multi, SN: MTS50783
- 2 37) Karri's Guns (Podunk, Inc.) KG15 Rifle, CAL: Unknown, SN: 00957
- 3 38) Anderson Manufacturing AM-15 Rifle, CAL: Multi, SN: 17168929
- 4 39) Anderson Manufacturing AM-15 Rifle, CAL: Multi, SN: 16441914
- 5 40) Anderson Manufacturing AM-15 Rifle, CAL: Multi, SN: 15293773
- 6 41) Spike's Tactical LLC ST15 Rifle, CAL: Multi, SN: 033165
- 7 42) Spike's Tactical ST15 Rifle, CAL: Multi, SN: 025811
- 8 43) Savage 10 Rifle, CA: 308, SN: K531512
- 9 44) Smith & Wesson M&P Rifle, CAL: Unknown, SN: KN24663
- 10 45) Romarm/Cugir Draco Rifle, CAL: 762, SN: DB-1036-16 RO
- 11 46) Steyer Arms Inc Unknown Rifle, CAL: Unknown, SN: 600P000585
- 12 47) Anderson Manufacturing AM-15 Rifle, CAL: Multi, SN: 16441904
- 13 48) CZ (Ceska Zbrojovka) Scorpion EVO 3 S1 Rifle, CAL: 9, SN: C002920
- 14 49) Black Rain Ordnance Inc Fallout 15 Rifle, CAL: Multi, SN: BR018010
- 15 50) Century Arms International AK-63D Rifle, CAL: 762, SN: 63D-PM01543
- 16 51) Winchester 70 Rifle, CAL: 30-06, SN: G1217459
- 17 52) American Tactical Imports – ATI Unknown Rifle, CAL: Unknown, SN: A711646
- 18 53) Tennessee Arms Co, LLC TNARMS-15 Rifle, CAL: Multi, SN: 1428204988
- 19 54) Ruger 10/22 Rifle, CAL: 22, SN: 825-84075
- 20 55) Century Arms International Unknown Rifle, CAL: Unknown, SN: J002263
- 21 56) CZ (Česká Zbrojovka) P-07 Pistol, CAL: 9, SN: C266774
- 22 57) Stag Arms Unknown Rifle, CAL: Unknown, SN: S027634
- 23 58) Heckler and Koch VP9 SK Pistol, CAL: 9, SN: 232003111

- 59) Glock GMBH 22 Pistol, CAL: 40, SN: DYT026
 - 60) Mossberg Unknown Rifle, CAL: Unknown, SN: K555823
 - 61) Barrett Firearms MFG Co 82A1 Rifle, CAL: 50 BMG, SN: AA006640
 - 62) Barrett Firearms MFG Co 82A1 Rifle, CAL: 50 BMG, SN: AA006623
 - 63) Smith & Wesson M&P 15 Rifle, CAL: 556, SN: SY02804
 - 64) Heckler & Koch Inc. VP9 Pistol, CAL: 9, SN: 224-078437

(“subject property”).

4. The subject property was seized by special agents working for the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) on March 7, 2018.

5. The subject property is currently in the custody of ATF.

FACTS

6. ATF agents or investigators (“investigators”) began investigating Nicholas Rocco Scichilone (“Scichilone”) for possibly being involved in manufacturing and selling firearms without a license.

7. Since 2013, Scichilone has acquired at least 178 firearms from Ted's Shooting Range ("Ted's") located at 18395 S. 186th Way #106, Queen Creek, Arizona 85142.

8. Ted's is a Federal Firearms Licensee ("FFL").

9. Scichilone purchased 27 lower receivers from Ted's from February 2017 through February 2018.

10. Scichilone purchased eight firearms from Ted's from February 2017 through February 2018.

11. Scichilone has purchased at least three Barrett .50 caliber rifles from Ted's.

1 12. Scichilone bought these Barrett .50 caliber rifles on October 20, 2014, May 12,
2 2016, and June 12, 2017.

3 13. Based upon training and experience, investigators know that Barrett rifles are
4 highly sought after by criminal organizations.

5 14. Based upon training and experience, investigators know that Barrett rifles are
6 highly sought after by drug cartels from Mexico.

7 15. Barrett rifles cost between \$10,000.00 and \$12,000.00 on the open firearms
8 market.

9 16. According to trace reports conducted by investigators, at least two receivers
10 Scichilone purchased were manufactured into rifles.

12 17. One of these rifles was recovered in Mexico. The second rifle was recovered from
13 a convicted felon.

14 18. On or about March 7, 2018, investigators seized an H&K VP9 9mm pistol (SN:
15 224-078437) and a Smith and Wesson M&P 15 rifle (SN: SY020804) from Scichilone's
16 motor vehicle.

17 19. On or about March 7, 2018, investigators seized sixty firearms at Scichilone's
18 residence with an executed federal search warrant.

19 20. The sixty seized firearms included complete rifles, pistols, and lower receivers.

21 21. On or about March 22, 2018, ATF Special Agent ("SA") Patrick Sander
22 ("Sander") went to Ted's and seized two Barrett .50 caliber rifles ("Barrett rifles").

23 22. The Barrett rifles were ordered on a website known as "Grab-A-Gun."

24 23. The Barrett rifles were sent to Ted's for Scichilone and Joanna Patetta Nearpass

1 ("Nearpass") to pick up.

2 24. Scichilone purchased several firearms that are sought after and trafficked for large
3 profits on the open firearms market.

4 25. Armalite ("AR") style rifles and/or pistols can be purchased as a receiver at an
5 inexpensive price (\$40.00 - \$50.00).

6 26. The AR style rifles and/or pistols are built up and sold for several hundred dollars,
7 resulting in profits.

8 27. The following are firearms Scichilone purchased through or from Ted's:

- 9 1) 3/17/13, American Tactical Imports, GSG 1911-22 pistol, SN: A500990
- 10 2) 4/01/13, Palmetto State Armory, PA-15 lower receiver, SN:
11 LW073037
- 12 3) 4/24/13, Palmetto State Armory, PA-15 lower receiver, SN:
13 LW078097
- 14 4) 5/04/13, Aero Precision Inc., X15 lower receiver, SN: USA17825
- 15 5) 5/16/13, DPMS, A-15, SN:DM26388K
- 16 6) 6/14/13, Spikes Tactical, SL15 .223, SN: SAR2821
- 17 7) 6/01/13, Spikes Tactical, SL15 .223, SN: SAR384483
- 18 8) 7/02/13, ZRTS, ZR4 .223, SN: ZR0018
- 19 9) 7/02/13, ATI, Omni lower receiver, SN: AR12710
- 20 10) 7/02/13, Bushmaster, AM15-E2S lower receiver, L091129
- 21 11) 7/02/13, ATI, Omni .223/556, SN: AR06938
- 22 12) 7/08/13, Glock, model 19 9mm, SN: VFD998
- 23 13) 9/30/13, Springfield Armory, SOCOM 16 .308, SN: 244629
- 24 14) 8/02/13, Ruger, LCP .380 pistol, SN: 371133263

- 1 15) 8/02/13, Sig Sauer, P238 .380 pistol, SN: 27A220104
- 2 16) 8/05/13, Springfield Armory, XDS .9 mm pistol, SN: XS925327
- 3 17) 8/16/13, Black Rain Ordnance, Fallout15 lower receiver, SN: BRO1
4 8010
- 5 18) 8/23/13, FHN, PS90 5.7 caliber, SN: FN084186
- 6 19) 9/19/13, Spikes Tactical, ST15 lower receiver, SN: 41665
- 7 20) 10/08/13, Spikes Tactical, SL15 lower receiver, SN: SAR49549
- 8 21) 10/08/13, Spikes Tactical, ST15 lower receiver, SN: PD001208
- 9 22) 10/08/13, Spikes Tactical, SL15 lower receiver, SN: SAR48925
- 10 23) 10/08/13, Spikes Tactical, SL15 lower receiver, SAR48879
- 11 24) 1/12/14, Spikes Tactical, ST15 lower receiver, SN: US-00829
- 12 25) 2/11/14, E3 Firearms rifle, SN: A03195
- 13 26) 2/11/14, Spikes Tactical, Spartan lower receiver, SN: US-01023
- 14 27) 2/26/14, Anderson Manufacturing, AM-15 lower receiver, SN:
41528F13
- 15 28) 3/01/14, Anderson Manufacturing, AM-15 lower receiver, SN:
07887F14
- 16 29) 11/04/14, Heckler and Koch, USP 45 caliber pistol, SN: 25-141853
- 17 30) 4/21/14, Palmetto State Armory, PA-15 lower receiver, SN:
LW142010
- 18 31) 4/27/14, Spikes Tactical, SL15 lower receiver, SN: SAR63504
- 19 32) 4/27/14, Spikes Tactical, SL15 lower receiver, SN: SAR68814
- 20 33) 4/27/14, Spikes Tactical, SL15 lower receiver, SN: SAR63060
- 21 34) 5/11/14, Tennessee Arms Company, TNARMS 15 lower receiver,
SN: 1407601147
- 22 35) 5/11/14, Tennessee Arms Company, TNARMS 15 lower receiver,
SN: 1407601251

- 1 36) 5/11/14, Tennessee Arms Company, TNARMS 15 lower receiver, SN:
2 1407701394
- 3 37) 11/03/14, Heckler and Koch, USP 9mm Pistol, SN: 24-142927
- 4 38) 7/02/14, Anderson Manufacturing, AM15 lower receiver, SN:
5 0714018231
- 6 39) 7/02/14, Anderson Manufacturing, AM15 lower receiver, SN:
7 0714022288
- 8 40) 7/02/14, Anderson Manufacturing, AM15 lower receiver, SN:
9 0714022270
- 10 41) 8/06/14, Palmetto State Armory, ATI GFX45 pistol, SN: GL109260
- 11 42) 8/08/14, Palmetto State Armory, PA15 rifle, SN: LW149188
- 12 43) 8/08/14, IO INC., M214 rifle 7.62x39, SN: 031780
- 13 44) 8/22/14, Springfield Armory, SOCOM II rifle .308, SN: 189806
- 14 45) 8/22/14, Heckler and Koch, USC rifle, SN: 47-013024
- 15 46) 9/12/14, Bushmaster, XM15-E2s lower receiver, SN: BK1303210
- 16 47) 9/22/14, Polish, PPS43-C 9mm pistol, SN: H10047P
- 17 48) 10/20/14, Anderson Manufacturing, AM15 lower receiver, SN:
18 14099188
- 19 49) 10/20/14, Anderson Manufacturing, AM15 lower receiver, SN:
20 14099189
- 21 50) 10/20/14, Barrett, M99 .50 caliber rifle, SN: AD001588
- 22 51) 11/03/14, Centurion, UC-9 rifle, SN: GMT04036
- 23 52) 11/10/14, DOA Arms, Ordinance One lower receiver, SN: ORD0131
- 24 53) 12/22/14, Bushmaster, XM15-E2S lower receiver, SN: BK1605625
- 25 54) 12/22/14, Bushmaster, XM15-E2S lower receiver, SN: BK1605624
- 26 55) 12/22/14, Bushmaster, XM15-E2S lower receiver, SN: BK1506631
- 27 56) 12/22/14, Bushmaster, XM15-E2S, lower receiver, BK1506620

- 1 57) 12/29/14, Spikes Tactical, ST15 lower receiver, SN: 017747
- 2 58) 2/11/15, Anderson Manufacturing, AM15 lower receiver, SN:
3 14162877
- 4 59) 2/11/15, FEG, AMD65 7.62 rifle, SN: CI006113
- 5 60) 2/12/15, Joe Bob Outfitters, ML-15 MOLON lower receiver, SN: KS-
6 02880
- 7 61) 3/28/15, Anderson Manufacturing, AM15 lower receiver, SN:
8 15029641
- 9 62) 3/28/15, Anderson Manufacturing, AM15 lower receiver, SN:
10 15029640
- 11 63) 6/02/15, Seekins Precision, SP15 lower receiver, SN: SBA12663
- 12 64) 6/02/16, Taurus, PT11G2 9mm Pistol, SN: T6P67097
- 13 65) 7/20/15, Anderson Manufacturing, AM15 lower receiver, SN:
14 15104252
- 15 66) 7/20/15, Anderson Manufacturing, AM15 lower receiver, SN:
16 15104050
- 17 67) 7/20/15, Anderson Manufacturing, AM15 lower receiver, SN:
18 15121439
- 19 68) 7/20/15, Anderson Manufacturing, AM15 lower receiver, SN:
20 15121438
- 21 69) 7/20/15, Anderson Manufacturing, AM 15 lower receiver, SN:
22 15117692
- 23 70) 8/07/15, Anderson Manufacturing, AM15 lower receiver, SN:
24 15117693
- 25 71) 8/07/15, Anderson Manufacturing, AM15 lower receiver, SN:
26 15098413
- 27 72) 8/07/15, Anderson Manufacturing, AM15 lower receiver, SN:
28 15098405
- 29 73) 8/07/15, Anderson Manufacturing, AM15 lower receiver, SN:
30 15098426

- 1 74) 8/21/15, Spikes Tactical, The Jack lower receiver, SN: JACK00922
2 75) 9/24/15, Heckler and Koch, P30SK 9mm Pistol, SN: 214-004710
3 76) 10/09/15, Anderson Manufacturing, AM15 lower receiver, SN:
4 15189500
5 77) 10/09/15, Anderson Manufacturing, AM15 lower receiver,
6 SN:15189499
7 78) 10/09/15, Anderson Manufacturing, AM15 lower receiver, SN:
8 15189498
9 79) 10/09/15, Anderson Manufacturing, AM15 lower receiver,
10 SN:15189501
11 80) 11/20/15, Anderson Manufacturing, AM15 lower receiver, SN:
12 15176236
13 81) 11/20/15, Anderson Manufacturing, AM15 lower receiver, SN:
14 15176235
15 82) 5/09/16, Tennessee Arms Company, TNARMS15 lower receiver, SN:
16 1525710143
17 83) 12/18/15, Anderson Manufacturing, AM15 lower receiver, SN:
18 15160131
19 84) 12/18/15, Anderson Manufacturing, AM15 lower receiver, SN:
20 15160132
21 85) 12/18/15, Spikes Tactical, ST15 lower receiver, SN: DV003207
22 86) 12/18/15, Anderson Manufacturing, AR-15 lower receiver, SN:
23 15251002
24 87) 12/18/15, Anderson Manufacturing, AR-15 lower receiver, SN:
 15251003
21 88) 1/12/16, Spikes Tactical, ST15 lower receiver, SN: PD003928
22 89) 1/12/16, Spikes Tactical, Spartan ST15 lower receiver, SN:
 NSL053560
23 90) 1/12/16, Spikes Tactical, Zombie ST15, Lower receiver, SN:
 NSL034126

- 1 91) 1/12/16, MAG Tactical Systems, MG-G4 lower receiver, SN:
2 MTS42939
3 92) 1/12/16, MAG Tactical Systems, MG-G4 lower receiver, MTS42513
4 93) 1/29/16, Heckler and Koch, USP 45 caliber pistol, SN: 25-092929
5 94) 4/06/16, Heckler and Koch, VP9 9mm pistol, SN: 224-078437
6 95) 4/11/16, Black Rain Ordnance, FALLOUT15 rifle, SN: BR018010
7 96) 4/11/16, Spikes Tactical, ST15 rifle, SN: NSL033165
8 97) 4/11/16, Spikes Tactical, The JACK rifle, SN: JACK00922
9 98) 4/11/16, MAG Tactical Systems, MG-G4 rifle, SN: MTS42939
10 99) 4/11/16, Seekins Precision, SP15 rifle, SN:SBA12663
11 100) 4/29/16, Heckler and Koch, SP9 9mm pistol, SN: 224-092574
12 101) 5/09/16, Anderson Manufacturing, AM-15 lower receiver, SN: 15293772
13 102) 5/09/16, Anderson Manufacturing, AM-15 lower receiver, SN: 15293773
14 103) 5/09/16, Ruger, Precision rifle .308 caliber, SN: 1800-28043
15 104) 5/12/16, Barrett, M99 Rifle .50 caliber, SN:AD002796
16 105) 5/27/16, Ruger, 10/22 rifle .22 caliber, SN: 825-84075
17 106) 6/03/16, Palmetto State Armory, PA-15 lower receiver, SN: PI001265
18 107) 6/15/16, Smith and Wesson, M&P 15 rifle, SN:SY02804
19 108) 6/20/16, Karris Guns, KG15 lower receiver, SN: 00574
20 109) 6/20/16, Karris Guns, KG15 lower receiver, SN: 00957
21 110) 6/20/16, Karris Guns, KG15 lower receiver, SN: 00570
22 111) 6/20/16, Karris Guns, KG15 lower receiver, SN: 00578
23 112) 6/24/16, Anderson Manufacturing, AM-15 lower receiver, SN:
24 161333254
 113) 6/24/16, Anderson Manufacturing, AM-15 lower receiver, SN: 16133264

- 1 114) 7/09/16, Walther, P22 .22 caliber pistol, SN: WA067192
2 115) 7/12/16, Springfield Armory, XD pistol 9mm, SN: XD800305
3 116) 8/11/16, Anderson Manufacturing, AM-15 lower receiver, SN: 16213413
4 117) 8/11/16, Anderson Manufacturing, AM-15 lower receiver, SN: 16213412
5 118) 7/20/16, Century Arms, RAS47 rifle 7.62 caliber, SN: RAS47035050
6 119) 8/14/16, Anderson Manufacturing, AM-15 lower receiver, SN: 16249169
7 120) 8/25/16, CZ-USA, Scorpion EVO 3SI rifle, SN: C002920
8 121) 8/25/16, Spikes Tactical, ST15 lower receiver, SN: SCR-025809
9 122) 8/25/16, Spikes Tactical, ST15 lower receiver, SN: SCR-025810
10 123) 9/30/16, Spikes Tactical, ST15 lower receiver, SN: NSL084630
11 124) 9/30/16, Spikes Tactical, ST15 lower receiver, SN: DV018361
12 125) 10/11/16, Century Arms, Draco Pistol 7.62 caliber, SN: DB-1036-16RO
13 126) 10/11/16, Kriss USA, Vector CRB .45 caliber, SN: 45C017863
14 127) 10/22/16, UTAS-USA, UTS15 12 gauge, SN: US12P11611
15 128) 1/26/17, Karri's Guns, KG15 rifle, SN: 00570
16 129) 1/26/17, Karri's Guns, KG15 rifle, SN: 00578
17 130) 1/26/17, Anderson Manufacturing, AM-15 rifle, SN: 15293772
18 131) 1/26/17, Anderson Manufacturing, AM-15 rifle, SN: 16249169
19 132) 12/13/16, Heckler and Koch, VP9 9mm pistol, SN: 224-160332
20 133) 12/28/16, Smith and Wesson, S&P 22 compact pistol, SN: HHT0308
21 134) 1/04/17, Sig Sauer, P320 9mm pistol, SN: 58B033725
22 135) 1/22/17, Spikes Tactical, ST15 rifle, SN: SCR-025811
23 136) 1/22/17, Century Arms, SK-63D rifle, SN: 63D-PM01543
24 137) 1/26/17, Springfield Armory, XDM 9mm pistol, SN: MG426983

1 138) 2/06/17, Anderson Manufacturing, AM-15 lower receiver, SN: 16441943
2 139) 2/06/17, Anderson Manufacturing, AM-15 lower receiver, SN: 16441924
3 140) 2/06/17, Anderson Manufacturing, AM-15 lower receiver, SN: 16441914
4 141) 2/06/17, Anderson Manufacturing, AM-15 lower receiver, SN: 16441904
5 142) 3/08/17, Bushmaster, XM15-E2S lower receiver, SN: BK1206407
6 143) 4/10/17, Mag Tactical Systems, MG-G4 lower receiver, SN: MTS50783
7 144) 4/10/17, Mag Tactical Systems, MG-G4 lower receiver, SN: MTS50802
8 145) 5/03/17, Spikes Tactical, ST15 lower receiver, SN: NSL098517
9 146) 5/22/17, Heckler and Koch, VP9 SK 9mm pistol, SN: 232-003111
10 147) 6/12/17, Barrett, M82A1 .50 caliber rifle, SN: AA005797
11 148) 7/12/17, Anderson Manufacturing, AM-15 lower receiver, SN: 17069109
12 149) 7/12/17, Anderson Manufacturing, AM-15 lower receiver, SN: 17069119
13 150) 7/12/17, Anderson Manufacturing, AM-15 lower receiver, SN: 17073883
14 151) 7/12/17, Anderson Manufacturing, AM-15 lower receiver, SN: 17073874
15 152) 7/12/17, Anderson Manufacturing, AM-15 lower receiver, SN: 17069148
16 153) 10/12/17, IO INC., M214 NANO 7.62 caliber, SN: S033947
17 154) 10/12/17, Mag Tactical Systems, MG-G4 lower receiver, SN: MTS49043
18 155) 10/12/17, Mag Tactical Systems, MG-G4 lower receiver, SN: MTS07648
19 156) 10/12/17, Mag Tactical Systems, MG-G4 lower receiver, SN: MTS07647
20 157) 10/12/17, Mag Tactical Systems, MG-G4 lower receiver, SN: MTS49042
21 158) 11/06/17, Spikes Tactical, Snowflake lower receiver, SN: LT000541
22 159) 11/06/17, STAG Arms, STAG-15 lower receiver, SN: S027634
23 160) 11/06/17, Spikes Tactical, ST15 lower receiver, SN: LT000544
24 161) 12/04/17, Anderson Manufacturing, AM-15 lower receiver, SN:

1 17168937

2 162) 12/04/17, Anderson Manufacturing, AM-15 lower receiver, SN:
3 17168949

4 163) 12/04/17, Anderson Manufacturing, AM-15 lower receiver, SN:
5 17168929

6 164) 12/04/17, MAG Tactical Systems, MG-G4 lower receiver, SN:
7 MTS49624

8 165) 12/04/17, MAG Tactical Systems, MG-G4 lower receiver, SN:
9 MTS49625

10 166) 12/04/17, MAG Tactical Systems, MG-G4 lower receiver, SN:
11 MTS49623

12 167) 12/04/17, MAG Tactical Systems, MG-G4 lower receiver, MTS49622

13 168) 12/29/17, CZ USA, P-07 9mm pistol, SN:C266774

14 169) 1/05/18, Heckler and Koch, USP 40 caliber pistol, SN: 22-052917

15 170) 1/08/18, Savage Arms, 10 BA Stealth .308 rifle, SN:K531512

16 171) 1/08/18, MSAR, STG-556 rifle, SN: 600-P000585

17 172) 1/11/18, Springfield Arms, XDM 9mm pistol, SN:MG823717

18 173) 2/21/18, Anderson Manufacturing, AM-15 lower receiver, SN:17125460

19 174) 2/21/18, Anderson Manufacturing, AM-15 lower receiver, SN:17125461

20 175) 2/21/18, Anderson Manufacturing, AM-15 lower receiver, SN:17125462

176) 2/21/18, Anderson Manufacturing, AM-15 lower receiver, SN:17125463

177) 2/21/18, Anderson Manufacturing, J\AM-15 lower receiver, SN:17125464

178) 2/21/18, Sig Sauer, 1911 45 caliber pistol, SN: GS92490

21 28. Scichilone is associated with five traces through the ATF with Time-to-
22 Crimes (“TTCs”) for firearms recovered and traced in the United States ranging from
23 336 to 1,170 days.

29. Scichilone has purchased guns from AJI Sports between 2011 and 2014.

30. Scichilone is a former employee of the Arizona State University Police Department.

31. Since losing that job, he has had financial problems. Scichilone filed for bankruptcy in 2016.

32. Scichilone's daughter, Alexis Scichilone ("Alexis"), was an employee at Ted's.

33. The owner of Ted's has stated that Alexis was aware that Scichilone manufactured and sold at least some of the receivers.

34. The owner of Ted's stated that Alexis knew that Scichilone also sold from his personal collection.

Seizure of Scichilone Residence and Interview with Alexis Scichilone

35. On March 6, 2018, ATF Special Agent Mark Bartoszek (“SA Bartoszek”) obtained a federal search warrant for 3448 East Azalea Drive, Gilbert, Arizona 85298 (“the Scichilone residence”).

36. On March 7, 2018, law enforcement personnel served the warrant at the Scichilone residence.

37. The Phoenix Police Department (“PPD”) blocked off the street to make occupants aware of the presence of police.

38. On March 7, 2018, at approximately 8:15 a.m., investigators initiated contact with the Scichilone residence by vocalizing they were the police with a search warrant.

1 39. SA Bartoszek used his government-issued cell phone to call Alexis Scichilone
2 ("Alexis").

3 40. Alexis came to the front door and immediately complied with SA Bartoszek's
4 commands.

5 41. Investigators cleared the house and discovered no occupants other than Alexis
6 were at the residence.

7 42. Investigators conducted a thorough search of the residence.

8 43. SA Loving and PPD Detective Fulton ("DET Fulton") interviewed Alexis at
9 3385 E. Bridges Boulevard, Gilbert, AZ 85298 regarding her father, Scichilone.

10 44. DET Fulton advised Alexis that she was not under arrest and read Alexis her
11 Miranda Rights. Alexis stated she understood her rights.

12 45. Alexis stated she had moved into the Scichilone residence a few months ago
13 after moving from Montana.

14 46. Alexis stated she had lived in Victor, Montana, with her mom, Melissa Terry
15 ("Terry").

16 47. DET Fulton asked Alexis if Cristina Scichilone ("Cristina") was her
17 stepmother and she stated that Cristina was her stepmother.

18 48. SA Loving asked Alexis if Scichilone was a police officer and she stated
19 that Scichilone worked with the Arizona State University ("ASU") Police
20 Department and that she believed he was fired from ASU.

21 49. Alexis stated Scichilone works for a Taser company.

22 50. SA Loving asked Alexis why she thought ATF was at the Scichilone

1 residence, and she responded that she assumed it was because of guns as Scichilone
2 built a couple ARs.

3 51. DET Fulton asked Alexis how many firearms she thought Scichilone
4 purchased, and she stated Scichilone had purchased many firearms.

5 52. Alexis stated Scichilone has a safe with about fifteen to twenty firearms.

6 53. Alexis stated she knew Scichilone purchased firearms from Ted's.

7 54. DET Fulton asked what he does with the firearms he buys, and she responded
8 that he would buy lower receivers and would sometimes build them.

9 55. DET Fulton asked Alexis what Scichilone does with the firearms after he
10 builds them, and she stated Scichilone occasionally would sell the firearms.

12 56. Alexis stated Scichilone had built firearms for family members.

13 57. Alexis stated since she has been in the Scichilone residence, she knew of at
14 least one AR that Scichilone built.

15 58. DET Fulton asked Alex if Scichilone had any Barrett rifles, and she stated
16 Scichilone had just purchased one Barrett rifle from Ted's.

17 59. Alexis stated her grandmother purchased a .50 caliber from Ted's.

18 60. SA Loving asked Alexis why Scichilone purchases lower receivers, and she
19 stated Scichilone purchases lower receivers to build or to have.

21 61. Alexis stated she does not know how Scichilone sold his firearms.

22 62. DET Fulton asked Alexis what Cristina and Scichilone's standard of living
23 was like, and she stated pretty high.

24 63. Alexis described her mother Terry as on the "poor side" and Scichilone was

1 always late on child support and he owed \$10,000.00 in back pay child support.

2 64. DET Fulton asked if Scichilone was living beyond his means, and she stated
3 she thought he was.

4 65. SA Loving asked Alexis if she had recently had vehicle issues.

5 66. Alexis stated that she had her truck worked on, the total amount to fix her
6 truck was approximately \$600.00, and her father paid for the work on her vehicle with
7 "an AR."

8 67. Alexis stated she was in her truck at the repair shop after the repairs were
9 completed, Scichilone told Alexis to stay in her truck, a male approached Scichilone,
10 and they discussed doing the deal in the "back."

12 68. Alexis stated she heard Scichilone building what she believed was an AR
13 about two (2) weeks ago.

14 69. Alexis stated she recently asked Scichilone if he could sell ARs.

15 70. Scichilone told Alexis he had to have an FFL to do that.

16 71. Alexis stated Scichilone purchased firearms on www.gunbroker.com.

17 72. DET Fulton asked Alexis what email Scichilone uses.

18 73. Alexis stated Scichilone's email address is mtrock99@yahoo.com.

19 74. SA Loving asked Alexis if she had ever seen Scichilone build a firearm.
20 Alexis stated "kinda" and explained she has seen him adjusting pins.

22 75. Alexis stated Scichilone told her he built a couple of firearms and does not
23 know what will happen because of the recent mass shooting.

24 76. Alexis stated Scichilone would say he has to build a couple of ARs because

1 the mass shooting happened.

2 77. DET Fulton asked Alexis if Scichilone has built firearms for her family
3 members.

4 78. Alexis stated Scichilone built one for her aunt, Morgan Nearpass, and one for
5 her aunt's boyfriend.

6 ***Interview with Nicholas Rocco Scichilone***

7 79. On March 7, 2018 at approximately 9:30 a.m., SA Bartoszek and SA Sander
8 initiated an interview with Scichilone in the parking lot of his place of employment.

9 80. Investigators were greeted by Scichilone and asked if they could talk
10 privately with him.

11 81. Scichilone agreed and stated they could talk by his truck.

12 82. This is the same truck observed parked at the Scichilone residence in
13 previous days.

14 83. Once Scichilone and investigators were in front of his truck, they identified
15 themselves to him utilizing their issued credentials and badges.

16 84. During the interview, SA Sander informed Scichilone that he was free to
17 leave.

18 85. Scichilone stated he was employed by the ASU Police Department, but he
19 resigned a week ago. Scichilone stated he resigned due to his hearing loss.

20 86. Scichilone stated he was able to understand the investigators clearly.

21 87. Scichilone further stated he was employed by ASU for approximately ten
22 years.

1 88. Scichilone stated his hearing had been deteriorating since approximately
2 2013 and that he was trying to get compensation through ASU.

3 89. Seichilone further stated he had been employed by Axon for approximately
4 four days as a digital analyst.

90. Scichilone stated that he was well versed in building firearms.

91. Scichilone said his training consisted of going through the Colt Armorer for
ARs. He stated he went to Glock Armorer school.

92. SA Sander asked Scichilone how long it would take him to build up a lower
9 receiver.
10

93. Scichilone stated it would take him less than a day build up a lower receiver.

12 94. Scichilone stated he was a range instructor at ASU and was referred to as the
13 "gun guy" from his colleagues.

14 95. SA Sander told Scichilone they wanted to question him about a firearm that
15 was recovered, specifically an Anderson Manufacturing firearm that he purchased in
16 2015 and subsequently recovered in 2017.

17 96. Scichilone could not remember that specific firearm or whom he sold it to.

18 97. Scichilone stated liked collecting firearms, but in the same sentence,
19 Scichilone stated he only sold them when he needed money or to pay his child support

98. Scichilone stated most of the firearms are only lower receivers, and the ones he did sell, he kept a bill of sale for them.

23 99. Scichilone stated he made his own bill of sale to make sure the people
purchasing them were residents of Arizona and not felons

1 100. Scichilone said he kept these bills of sale in his safe.

2 101. Investigators asked Scichilone how many firearms he has sold over the past
3 couple of years.

4 102. Scichilone could not come up with a definitive answer.

5 103. Scichilone replied that he had sold and traded a couple firearms.

6 104. He stated he finds purchasers utilizing www.backpage.com.

7 105. He said he used spikestacO!@yahoo.com as the email address to sell the
8 firearms.

9 106. Scichilone recalled selling a Taurus PT1 11 (which was recovered near Los
10 Angeles, California) in front of Ted's. Scichilone described the individual he sold it to
11 as a black male, but did not recall other purchasers.

13 107. SA Sander asked Scichilone from whom he normally purchased guns, and
14 he stated he purchased some from Caswells Shooting Range, located in Mesa, Arizona.

15 108. Scichilone also said he purchased many lower receivers from A.J.I. Sporting
16 Goods in Apache Junction, Arizona.

17 109. Scichilone mostly dealt with Ted's in the purchase of firearms.

18 110. SA Sander asked Scichilone how many firearms he had purchased in the last
19 three to four years, and he stated he purchased approximately twenty to twenty-five
20 firearms over the past three to four years.

21 111. He stated he had approximately twelve lower receivers and twenty completed
22 rifles in his safe.

24 112. Scichilone stated he did have a couple National Firearms Act ("NFA")

1 firearms but they were registered under a trust named The NRS Spec Ops Revocable
2 NFA Trust.

3 113. Scichilone said the NFA firearms included a short barrel rifle he used for
4 work at ASU.

5 114. Scichilone also said he had a couple of suppressors.

6 115. Scichilone stated he did not have any NFA items that were not registered.

7 116. SA Sander then informed Scichilone that investigators served a federal
8 search warrant for his residence.

9 117. SA Bartoszek requested from Scichilone the passcode to his safe.

10 118. Scichilone provided his safe passcode to investigators.

11 119. Investigators again asked Scichilone how many firearms he had purchased
12 that included lower receivers.

13 120. Scichilone stated he purchased approximately 40 firearms.

14 121. Investigators confronted Scichilone and told him they have records proving
15 that he purchased close to 200 firearms.

16 122. Scichilone stated he purchased lower receivers for approximately \$30.00.

17 123. He explained he did not have the intention to sell them, but kept them in his
18 safe just in case something came up. If he needed money, he could sell them.

19 124. Investigators asked Scichilone how much he sold the completed rifles after
20 he built them up.

21 125. Scichilone stated he sold one for approximately \$400.00.

22 126. Scichilone stated he would make \$100.00 to \$200.00 per rifle.

1 127. He explained he sold some of the lower receivers for \$50.00 and traded
2 approximately 15 to 20 of the lower receivers for optics or other firearm components.

3 128. Scichilone said that approximately two weeks ago, he traded an AR type rifle
4 to fix his daughter's truck to an individual at Tire Pros.

5 129. He said the bill to fix the truck was approximately \$600.00, but then later
6 stated it was going to be approximately \$1,800.00.

7 130. Scichilone and the mechanic had a conversation about firearms and they
8 came to an agreement to trade a completed AR rifle for repairing the truck.

9 131. Scichilone did not write up a bill of sale for trading the firearm.

10 132. Scichilone did receive a receipt for the repair on the truck.

11 133. Scichilone said he purchased many lower receivers in 2013.

12 134. He stated he would put them in his safe.

13 135. Scichilone said he put approximately seven lower receivers on consignment
14 at Ted's at some point to pay for bills.

15 136. SA Bartoszek asked Scichilone how he could afford to purchase the three
16 Barrett rifles on his salary and Scichilone replied that he purchased them with his credit
17 card.

18 137. He said he bought them off www.gunbroker.com.

19 138. Scichilone purchased two (2) Barrett rifles for approximately \$3,400.00.

20 139. He bought the third Barrett rifle for approximately \$6,500.00.

21 140. For the Barrett rifle Scichilone bought for \$3,400.00, he sold it for \$5,000.00
22 to make the down payment on his current house.

1 141. Scichilone stated he sold the other ones as well, but did not remember the
2 selling prices.

3 142. In approximately 2011 or 2012, Scichilone maxed out all of his credit cards.

4 143. Scichilone said he had a spending problem.

5 144. During 2011 or 2012, his credit card balance was approximately \$12,000.00.

6 145. When SA Sander asked about his current financial situation, Scichilone said
7 he made approximately \$60,000.00 per year at ASU. He now makes \$22.00 per hour
8 at Axon.

9 146. Scichilone's wife, Cristina, makes approximately \$51,000.00.

10 147. Scichilone said he receives \$800.00 per month from the Veterans Affairs
11 (“VA”).

12 148. The truck payment for his black 2017 Ford F150 is \$700.00 per month.

13 149. His 2016 Chevrolet Camaro payment is \$334.00 per month, the Razor was
14 \$334.00, his mortgage was approximately \$1,800.00 per month, and his child support
15 was \$500.00 per month.

16 150. SA Sander asked Scichilone if he had any other firearms on consignment or
17 is currently waiting to be picked up.

18 151. Scichilone stated that his mother, Joanna Patetta Nearpass (“Nearpass”), has
19 to pick up her Barrett rifle that she paid for.

20 152. Scichilone said that Nearpass wanted to invest in something and thought the
21 rifle was a good way to invest her money.

22 153. Scichilone said that one Barrett, already paid for, is waiting at Ted's to be

1 picked up.

2 154. SA Sander showed Scichilone ATF Form 4473 that he filled out. He said he
3 was the one who filled the form out and verified that was his signature.

4 155. SA Sander specifically showed Scichilone line 11a: "are you the actual
5 buyer/transferee of the firearm?"

6 156. Scichilone replied he was the actual buyer of all the firearms he purchased
7 and did not acquire firearms on behalf of other individuals.

8 157. He reaffirmed he did not purchase the firearms to re-sell, but to keep them
9 and pass them down to his family.

10 158. However, when SA Bartoszek confronted him on his purchasing pattern and
11 the number of firearms he had left, Scichilone did not have an answer.

13 159. SA Bartoszek asked Scichilone if anyone had ever warned him about buying
14 and selling firearms.

15 160. Scichilone stated his former ASU co-workers warned him to get a license, but
16 he thought they were joking around. He did not take them seriously.

17 161. Scichilone stated his former ASU co-workers would question his spending
18 habits and how he could afford all the material items he had.

19 162. Scichilone stated his mother had helped him out in the past. This is how he
20 could pay for the material items.

22 163. SA Bartoszek read the ATF Form 4473 to Scichilone, specifically the
23 warning about repetitive purchasing and selling of firearms for livelihood.

24 164. SA Bartoszek confronted Scichilone about his previous statements that he

1 would sell the firearms to pay for various items.

2 165. Scichilone told investigators he would sell them when he needed the money.

3 166. Scichilone spoke about the gun control issue debated among politicians.

4 167. He could buy firearms for cheap. If he needed money, he could sell them
5 back to the FFL.

6 168. During that statement, Scichilone was about to say for profit, then caught
7 himself and stated he would sell them back to the FFL.

8 169. SA Sander asked Scichilone if he knew Ted's policy of doing a National
9 Instant Criminal Background System ("NICS") background check for \$10.00.

10 170. Scichilone said he did know of that policy, but thought the bill of sale would
11 cover him selling the firearms to a legal owner.

12 171. He said he had a good relationship with Ted's and he expected that Ted's
13 would not charge him for a NICS background check.

14 172. Scichilone was asked about the crime gun recovery of the Taurus pistol
15 Model PT111G2 ("Taurus"), 9mm, SN: TGP67096X.

16 173. He stated that he met an unknown black male in front of Ted's.

17 174. This meeting took place after Scichilone purchased the Taurus on December
18, 2015.

19 175. Scichilone stated he sold the Taurus to this unknown black male and filled
20 out a "bill of sale" for this transaction.

21 176. SA Sander asked Scichilone why he would not have the male run for a
22 background check since Scichilone was a police officer.

1 177. SA Sander told Scichilone he cannot always trust people at face value when
2 they say they are not a prohibited possessor when it comes to guns.

3 178. Scichilone tried to downplay it by saying, "I don't know."

4 179. Scichilone had the opportunity to ensure his firearm was not going to a
5 prohibited possessor by running a NICS background check on the individual to whom
6 he sold the Taurus and he chose not to do it.

7 180. Because of not running a background check of this buyer, this firearm was
8 recovered near Los Angeles, California, with a convicted felon.

9 181. Scichilone had no explanation for it.

10 182. SA Bartoszek asked Scichilone how many bills of sales investigators would
11 find in his safe, and he stated there should be approximately one hundred (100) bills of
12 sales for the firearms that he sold.

13 183. Scichilone also has emails on his phone from people who bought his
14 firearms.

15 184. SA Bartoszek requested Scichilone turn his phone over to investigators under
16 consent so that they could verify the emails.

17 185. Scichilone stated he would want to talk with an attorney about that.

18 186. SA Bartoszek informed Scichilone that his cell phone was listed as an item to
19 be seized on the search warrant for his residence.

20 187. Scichilone agreed to turn the phone over investigators.

21 188. SA Sander asked for consent to search Scichilone's truck and Scichilone
22 consented and signed the ATF Form 3220.11 (Consent to Search).

1 189. He further stated that besides the handgun in the truck, there was an AR rifle
2 underneath the back seat.

3 190. The AR rifle and a Smith and Wesson M&P 15 bearing serial number
4 SY02804 were later booked into evidence as item #076.

5 191. SA Bartoszek searched the truck and discovered the pistol, a H&K VP9 9mm
6 bearing serial number 224-078437, that was later booked into evidence as item #077.

7 192. Underneath the rear seat, Scichilone's cell phone was seized and later booked
8 into evidence under item #078.

9 193. Scichilone claimed his mother, Nearpass, purchased a Barrett rifle as an
10 investment.

12 194. It just so happened that Scichilone had purchased a Barrett rifle at the same
13 time.

14 195. Both Barrett rifles were suspected to be for Scichilone since he was in the
15 business of buying/selling firearms and had sold at least three Barrett rifles in the past
16 for profit.

17 196. At the end of the interview, SA Bartoszek let Scichilone call Nearpass and inform
18 her what had happened.

19 197. After Scichilone's conversation ended, SA Bartoszek took possession of
20 Scichilone's cell phone.

21 198. On March 7, 2018 at approximately 11:00 a.m., SA Bartoszek and SA Sander
22 arrived at Ted's.

24

1 *Interview with Personnel at Ted's Shooting Range*

2 199. On March 7, 2018, investigators met with Amanda Kruger ("Krueger"), the
3 store manager, and Elizabeth Robinson ("Robinson"), the owner and FFL of Ted's.

4 200. Robinson stated that she has known Scichilone for many years.

5 201. Robinson said Scichilone purchased guns all the time from Ted's.

6 202. Both Robinson and Kruger claimed that they were not always present at the
7 store when Scichilone had purchased guns there.

8 203. Both admitted that Scichilone had also sold guns on consignment through
9 their store as well in order to sell firearms.

10 204. Robinson was surprised about the number of firearms that Scichilone had
11 purchased in the last few years.

13 205. After running a query through their computer database, Robinson said she
14 did not realize Scichilone purchased so many (approximately 180 firearms).

15 206. Robinson admitted that she was concerned about the number of guns
16 Scichilone had bought.

17 207. Robinson stated that they had warned Scichilone about "unlicensed
18 dealing/firearms trafficking" since he had purchased so many guns.

19 208. Robinson stated that she had advised Scichilone about selling firearms in the
20 past.

22 209. She said Ted's has a store policy where they will allow anyone who has
23 arranged a firearm sale from www.backpage.com or www.gunbroker.com to meet at
24 their store and to have the potential buyer run through the NICS background check

1 system for only \$10.00.

2 210. Robinson stated Ted's offers the service to people so that they can be sure
3 that any potential buyer is not "prohibited," such as a felon, domestic violence, etc.

4 211. Robinson and Kruger informed that Scichilone was well aware of Ted's
5 policy, but failed to utilize the NICS background check system.

6 212. Robinson provided investigators with a list of firearms that Scichilone had
7 sold on consignment at Ted's.

8 213. Scichilone sold at least 12 guns between May 20, 2013 and November 25, 2016.

9
10 *Interview with Joanna Nearpass*

11 214. On or about March 22, 2018, SA Bartoszek and SA Sander spoke with
12 Nearpass about the two Barrett rifles seized from Ted's that Scichilone claimed he and
13 his mother purchased.

14 215. Nearpass told investigators that she wanted to buy the biggest gun as an
15 investment.

16 216. She admitted that she purchased the firearm with a credit card.

17 217. Nearpass stated that Scichilone was going to buy a Barrett rifle for his
18 wife Cristina.

19 218. According to Nearpass, Scichilone purchased a Barrett rifle a few days
20 after she purchased her Barrett rifle.

21 219. When investigators asked what kind of gun Nearpass purchased, she
22 initially could not answer, but then said Barrett.

23 220. Scichilone told her that it was a good deal and that gun prices are currently

1 down.

2 221. SA Sander asked Nearpass how she could even move this weapon.

3 222. Nearpass kept saying that she wanted the largest gun available.

4 223. Nearpass said she did this on a whim and that it would be cool to buy.

5 224. Nearpass claimed that she never had purchased a gun before, but through
6 the guidance of her son, she now wanted a gun.

7 225. She said Scichilone buys guns and cannot afford to keep them.

8 226. The invoice from Grab-A-Gun showed that Nearpass used Scichilone's
9 account on Grab-A-Gun in order to make the purchase.

10 227. The guns were purchased within twenty-four (24) hours of each other.

11 228. Nearpass admitted that she paid approximately \$6,900.00.

12 229. The only reason she purchased the gun was to keep it inside of her safe.

13 230. Nearpass purchased this firearm for Scichilone, who would then sell it for
14 profit as he has done several times in the past.

15 231. Scichilone has sold at least three Barrett rifles over the last few years for
16 profit.

17 ***Interview with Michael Morrow***

18 232. On June 18, 2018, SA Sander spoke with Michael Morrow ("Morrow") over the
19 telephone.

20 233. Morrow was asked if he had purchased five lower AR-15 style receivers from
21 Scichilone.

22 234. Morrow stated that he remembered the man's first name was Nick but could not

1 remember his last name.

2 235. Morrow stated that Scichilone was a police officer and that he actually had sold
3 him at least five lower AR-15 receivers.

4 236. SA Sander asked if he recalled purchasing the five lower receivers on or about
5 February 23, 2016, and Morrow stated that he did and paid about \$75.00 for each receiver.

6 237. Morrow stated that Scichilone had sold him these lower receivers only and
7 they were not built up into firearms.

8 238. Morrow stated that they did another transaction after that in which he
9 purchased at least two more receivers from Scichilone.

10 *Analysis of Bills of Sale*

11 239. On June 18, 2018, SA Sander analyzed some bills of sale recovered from the
12 search warrant of the Scichilone residence on March 7, 2018.

13 240. These bills of sale were for firearms Scichilone had sold to some of his
14 customers.

15 241. Scichilone in many cases barely had the firearms a month before selling them,
16 indicating that his intention all along was to sell them for profit to make some money.

17 242. Unlicensed firearms dealers such as Scichilone know that low cost AR type
18 receivers can be built up into pistols and/or rifles for large profits.

19 243. Scichilone engaged in the business of dealing without a license for several years,
20 as these sales indicate.

21 244. Scichilone self-admitted to manufacturing firearms without a federal firearms
22 license (AR-15 style rifles) which he would then sell for profit.

1 245. Scichilone used these profits for bills, down payment for his house, expensive
2 luxury vehicles, etc.

3 246. One bill of sale was for a Barrett rifle .50 caliber, SN: AA005797, which was
4 sold on July 22, 2017 by Scichilone for \$10,000.00 to Francisco Eduardo Santana-
5 Lopez (“Santana-Lopez”).

247. Scichilone purchased the rifle from Ted's on June 12, 2017.

8 248. Scichilone told SA Bartoszek and SA Sander on March 7, 2018 that he had
9 purchased this Barrett rifle for approximately \$6,500.00, which would result in a profit
10 for Scichilone of about \$3,500.00 for this one weapon.

11 249. Another bill of sale for a Barrett M99 .50 caliber rifle, SN: A002796, was
12 sold on September 20, 2016 to a Kasey Coller for \$3,900.00 in cash, along with a
13 DPMS .308 rifle valued at least \$1,000.00, for a total of \$4,900.00.

14 250. Scichilone purchased the Barrett M99 .50 caliber rifle on May 12, 2016 from
15 Ted's. Ted's estimated that Scichilone purchased this firearm originally for about
16 \$3,335.00, which would be an estimated profit to Scichilone of \$1,565.00.

Interview with Francisco Eduardo Santana-Lopez

251. In July 2018, SA Sander was contacted by investigators in Tucson, Arizona.

252. Investigators stated Santana-Lopez and Jose Urbina ("Urbina") each
20 purchased a Barrett .50 caliber rifle from Scichilone in May or June of 2017.

22 253. On or about June 13, 2018, Santana-Lopez was detained at the Nogales,
Arizona, port of entry by Homeland Security Investigations.

254. On this date, investigators interviewed Santana-Lopez at the port of entry.

1 255. Santana-Lopez believed that this gun was bound for Mexico for possibly a
2 criminal organization/drug trafficking organization.

3 256. Santana-Lopez stated that his father, Fernando Santana, met an individual in
4 Mexico.

5 257. Santana-Lopez' father asked him to pick up ammunition in the U.S. and then
6 bring it back into Mexico.

7 258. Santana-Lopez stated that his father was being threatened by an organization
8 in Mexico.

9 259. Santana-Lopez stated that he had been in contact with a U.S. detective about
10 a Barrett .50 caliber rifle he purchased from Scichilone.

12 260. Santana-Lopez stated that he purchased this rifle for a man named "Pocho"
13 who was later positively identified as Urbina from Mexico.

14 ***Telephonic Interview with John Hurd***

15 261. On May 14, 2019, SA Sander spoke with John Hurd ("Hurd") about a firearm
16 he had purchased from Scichilone.

17 262. Hurd stated that he remembered purchasing a PS90 rifle, 5.7mm, SN:
18 381SNFN084186 for \$2,250.00 from Scichilone.

19 263. Hurd stated he remembered Scichilone being a police officer and that it was
20 conveyed Scichilone needed money because of a divorce.

22 264. Hurd stated that Scichilone told him he had other guns for sale.

23 265. Hurd stated that he found an advertisement online for Scichilone's firearm
24 at www.backpage.com.

1 ***Telephonic Interview with John Huynh***

2 266. On May 14, 2019, SA Sander spoke with John Huynh (“Huynh”) regarding
3 gun purchases from Scichilone.

4 267. Huynh stated that in March 2016 he purchased a Springfield Socom rifle,
5 7.62/.308 caliber SN: 189905 and a Century Arms Uzi pistol, 9mm, SN: GBT04036 for
6 \$2,650.00 for both firearms.

7 268. Huynh stated that he remembered Scichilone telling him he was a police
8 officer and that he was selling his firearms because of a divorce.

9 269. Scichilone told Huynh that Scichilone had two additional AR-style rifles for
10 sale as well. Huynh stated that he met Scichilone through a www.backpage.com
11 advertisement online, which is how he found the firearm.

13 ***Telephonic Interview with Harry Thornburg***

14 270. On May 14, 2019, SA Sander spoke to Harry Thornburg (“Thornburg”) about
15 a firearm he had previously purchased from Scichilone.

16 271. Thornburg remembered the sale, which was for a Spikes Tactical rifle caliber
17 multi, SN: SAR68814 for \$825.00.

18 272. Thornburg stated Scichilone told him he was going through a divorce, which
19 is why he needed money.

20 273. Thornburg stated Scichilone told Thornburg he was so far behind paying his
21 child support that he thought he might be arrested by his own agency.

23 274. Thornburg stated that Scichilone told him he had a large number of guns,
24 between 50-100, for sale.

1 275. Thornburg stated that he found an advertisement online www.backpage.com
2 that listed Scichilone's gun for sale.

FIRST CLAIM FOR RELIEF

Based on the aforementioned facts and circumstances, the defendant property are firearms involved in or used in a violation of, or a conspiracy to violate, 18 U.S.C. § 922(a)(1)(A), unlicensed firearms dealing and/or manufacturing, and therefore are subject to forfeiture to the United States pursuant to 18 U.S.C. § 924(d).

NOTICE TO ANY POTENTIAL CLAIMANT

If you assert an interest in the subject property and want to contest the forfeiture, you must file a verified claim that fulfills the requirements set forth in Supplemental Rule G. To avoid entry of default, a verified claim must be filed no later than thirty-five days from the date this Complaint has been sent in accordance with Supplemental Rule G(4)(b).

An answer or motion filed under Fed. R. Civ. P. 12 also must be filed no later than twenty-one days after filing the claim. The claim and answer must be filed in the United States District Court for the District of Arizona under the case number listed in the caption above and a copy must be served upon the undersigned Assistant United States Attorney at the address provided in this Complaint.

This notice provision does not provide you with any legal advice and is designed only to provide you with a general understanding of these proceedings. Any statements made in your claim or answer may be introduced as evidence against you in any related or future criminal case. You should consult an attorney to represent your interests in this matter, and note that a stay of proceedings may be available under 18 U.S.C. § 981(g)(2).

IF YOU ARE A VICTIM, and have sustained economic loss as a result of the crime(s)

1 giving rise to this civil action, you may be entitled to petition for remission, mitigation, or
2 restoration under Title 28, Code of Federal Regulations ("C.F.R."), section 9.2. In lieu of
3 filing a Claim with the Court, you may promptly submit a letter outlining your interest in
4 the property to the undersigned Assistant United States Attorney. Plaintiff will notify you
5 when it has received your letter, and further instructions may be provided upon conclusion
6 of this action. The United States Attorney General shall have sole responsibility for
7 disposing of petitions for remission or mitigation with respect to property involved in a
8 judicial forfeiture proceeding under 18 U.S.C. § 981(d) and 21 U.S.C. § 881(d). If your
9 status as a victim is contested, timely receipt of your letter will not shield you from entry
10 of default for failing to file a proper claim with the Court.
11

12 IF YOU ARE A LIENHOLDER, it is the policy of the United States Attorney's Office
13 to honor all claims received from legitimate titled lienholders as defined under 28 C.F.R.
14 § 9.2. In lieu of filing a claim with the Court, you may send a letter to the undersigned
15 Assistant United States Attorney outlining your interest in the property, including: (1) the
16 amount presently owed on the lien; (2) a copy of the security agreement setting forth your
17 interest; and, (3) whether the owner is in default. If your lien is sufficient, Plaintiff will
18 notify you to verify receipt of your letter. In the event of forfeiture, and to the extent
19 practicable, proceeds from the sale and disposition of the subject property will be remitted
20 to you in satisfaction of the lien. As noted above, timely receipt of your letter will not shield
21 you from entry of default for failing to file a proper claim with the Court.
22

23 **PRAAYER FOR RELIEF**

24 WHEREFORE, the United States of America prays that process of warrant *in rem* issue

1 for the arrest of the Defendant Property; that due notice be given to all parties to appear and show
2 cause why the forfeiture should not be decreed; that judgment be entered declaring the Defendant
3 Property be forfeited to the United States of America for disposition according to law; and that the
4 United States of America be granted such other and further relief as this Court may deem just and
5 proper, together with the costs and disbursements of this action.

6 DATED this 7th day of June, 2019.

7 MICHAEL BAILEY
8 United States Attorney
District of Arizona

9 By: s/ Mark J. Wenker

10 MARK J. WENKER
11 Assistant United States Attorney

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1 State of Arizona)
2 County of Maricopa) VERIFICATION
3 _____)

COMES NOW, before this honorable court, Patrick Sander, Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), and pursuant to the provisions of 28 U.S.C. § 1746, respectfully, to submit this Verification in support of the foregoing Verified Complaint for Forfeiture *In Rem*.

9 Based upon reports and information known to me and/or furnished to me by other law
10 enforcement agents and government representatives, I declare under penalty of perjury that
11 the foregoing Verified Complaint for Forfeiture *In Rem* is true and correct.

12 EXECUTED this 7th day of June, 2019.

Patrick Sander
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff Maricopa
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)
Mark J. Wenker, Assistant U.S. Attorney
40 N. Central Avenue, Suite 1800
Phoenix, Arizona 85004; (602) 514-7500**DEFENDANTS**

64 Firearms

County of Residence of First Listed Defendant Maricopa

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|---|---|
| <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question
(U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity
(Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			IMMIGRATION	FEDERAL TAX SUITS
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
18 USC 924(d) and 18 USC 922(a)(1)(A)**VI. CAUSE OF ACTION**Brief description of cause:
Unlicensed firearms dealing and/or manufacturing**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

06/07/2019

SIGNATURE OF ATTORNEY OF RECORD

S/ Mark J. Wenker

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 - United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 - Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).

- V. Origin.** Place an "X" in one of the seven boxes.
 - Original Proceedings. (1) Cases which originate in the United States district courts.
 - Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 - Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 - Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 - Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 - Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.